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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,169	12/28/2001	Tadashi Sugiyama	PW 0277031 H7618US	1567

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EXAMINER	
SELLERS, DANIEL R	
ART UNIT	PAPER NUMBER
2615	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/034,169	SUGIYAMA, TADASHI	
	Examiner	Art Unit	
	Daniel R. Sellers	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 October 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *3* is/are allowed.

6)☒ Claim(s) *1 and 2* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 September 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. **Claim 1** is rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda et al (USPN 5764607) in view of Davy (USPN 5665119) (hereinafter Maeda and Davy, respectively).

Maeda discloses a system for controlling digital copying of digitally recorded information. The system may be applied to compact disc (CD) as well as other disc and tape formats (col. 9, lines 31-36).

2. Specifically regarding **Claim 1**, Maeda discloses:

A digital-audio-signal recording apparatus (Figure 1A-1C, col. 4, lines 49-58) comprising:

a storage section (A) storing digital audio data (music information recorded on disk 1, col. 4, lines 25-31 and 49-65);

a write section (B) that writes ("digitally recorded") data on a disk-shaped storage medium (22)(col. 4, lines 49-65; col. 7, lines 17-21 and 59-66); and

a control section (10)(col. 4, lines 52-58) that,

when a write operation (Figures 4 and 6) to be performed by said write section (B) for writing the digital audio data stored on said storage section (A, stored on disc 1), to the disk-shaped storage medium (22) (col. 6, lines 28-36; col. 9, lines 15-22),

first performs control (S35) such that the digital audio data stored on said storage section cannot be accessed by a data retrieval operation than said write operation (existence of data is recognized only by management information in TOC(11), col. 8, lines 24-32 and 55-59; col. 9, lines 2-8 and 15-20)

then causes said write section (B) to write (S41-S43) the digital audio data (on 1 in A) to the disk-shaped storage medium (22)(col. 7, lines 60-67; col. 8, lines 1-5; col. 9, line 18),

While Maeda notes that the original copy information is erased to protect copyrights (col. 8, lines 55-65), Maeda does not clearly specify:

- then erases the digital audio data from said storage section after completion of writing of the digital audio data to the disk-shaped storage medium.
- wherein file management information on said storage section corresponding to said written digital audio data is updated to reflect the write operation performed.

Davy, in the background, teaches an older method of moving files and controlling access to the files during a move process, which inherently involves a write and an erase command (Col. 2, lines 1-65). The teachings of a file serialization lock read on a control that denies a data retrieval operation other than said write operation (Col. 2,

lines 60-65), and Davy teaches that the file is erased after writing the file to another location (Col. 2, lines 2-13 and lines 35-45). Furthermore, Davy teaches that file management information is updated to reflect a write operation (Col. 2, lines 46-60). It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Maeda and Davy for the purpose of controlling access to the copyrighted material. Maeda teaches that it is desirable to allow only one copy of protected material (Col. 8, lines 55-65), and Davy provides an additional security by providing file locking to prevent access during a write operation.

3. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda in view of Davy as applied to claim 1 above, and further in view of Shitara et al (USPN 6434103 B1), hereafter "Shitara".

As detailed above, Maeda discloses a system for controlling digital copying of digitally recorded information. The system may be applied to compact disc (CD) as well as other disc and tape formats (col. 9, lines 31-36). Davy teaches file locking to prevent writing invalid data (Col. 2, lines 1-67).

Specifically regarding **Claim 2**, Maeda in view of Davy teaches or at least suggests:

A digital-audio-signal recording apparatus (Figure 1A-1C, col. 4, lines 49-58 of Maeda) comprising:

a storage section (A) storing digital audio data (music information recorded on disk 1, col. 4, lines 25-31 and 49-65 of Maeda);

said storage section (A) also storing second information (in 1a) for limiting access to the digital audio data (TOC 11)(col. 4, lines 26-30; col. 8, lines 28-32)

a write section (B) that writes ("digitally recorded") data on a disk-shaped storage medium (22)(col. 4, lines 49-65; col. 7, lines 17-21 and 59-66 of Maeda); and

a control section (10)(col. 4, lines 52-58 of Maeda) that,

when a write operation (Figures 4 and 6 of Maeda) is to be performed by said write section (B) for writing the digital audio data stored on said storage section (A, stored on disc 1), to the disk-shaped storage medium (22) (col. 6, lines 28-36; col. 9, lines 15-22 of Maeda),

first rewrites said second information (TOC) into content (1a area)(S35-S37 of Maeda) such that the digital audio data stored on said storage section cannot be accessed by a data retrieval operation than said write operation (existence of data is recognized only by management information in TOC(11), col. 4, lines 26-30, col. 8, lines 24-32 and 55-59; col. 9, lines 2-8 and 15-20 of Maeda)

then causes said write section (B) to write (S41-S43) the digital audio data (on 1 in A) to the disk-shaped storage medium (22)(col. 7, lines 60-67; col. 8, lines 1-5; col. 9, line 18),

Davy teaches file management information that is updated to reflect a write operation (Col. 2, lines 46-60),

As noted above, Davy teaches erasing the digital audio data from said storage section (Col. 8, lines 55-67) after completion of writing of the digital audio data to the disk-shaped storage medium (moving a file implies that the file is erased after copying).

However, Maeda and Davy do not provide details regarding this erasing process.

Specifically regarding Claim 2, Maeda in view of Davy does not specify:

- said storage section also storing first information for managing presence of the digital audio data
- after completion of writing of the digital audio data the disk-shaped storage medium, rewrites said first information into content such that the presence of the digital audio data is invalidated.

Shitara teaches a system for utilizing management data to control the processing of main audio data on a storage medium.

Specifically regarding Claim 2, Shitara teaches or at least suggests:

- said storage section also storing first information ("invalidity flag") for managing presence of the digital audio data (col. 30, lines 15-18)
- after completion of writing of the digital audio data to the disk-shaped storage medium (Davy, Col. 2, lines 39-41 in view of s42-44 of Maeda), rewrites said first information (invalidity flag set to "1") into content (additional information file to be deleted in Shitara in view of music data to be deleted in Davy) of music data of such that the presence of the digital audio data is invalidated (col. 29, lines 40-45; col. 30, lines 15-26).

As detailed above, Davy teaches that the music data may be deleted (implied by a move command). As taught by Shitara, the adjustment of an invalidity flag associated

with the additional information file results in the file being erased (col. 30, lines 15-18). To one of ordinary skill in the art at the time the invention was made, it would have been obvious to utilize such an invalidity flag with the music data of Maeda in view of Davy for the purposes of enabling music data erasure, as is taught for a file by Shitara. The motivation behind such a modification would have been that such a invalidity flag would have enabled deletion processing of the music data to be implemented without manipulating the whole unit of music data, thus not increasing the processing load of the operation. Such a form of deletion is noted by Shitara as comprising very simple processing (col. 34, lines 31-40).

Allowable Subject Matter

4. Claim 3 is allowed.

5. The following is a statement of reasons for the indication of allowable subject matter:

Maeda fails to teach or suggest "a control section that, when a write operation is to be performed by said write section for writing the digital audio data, stored on said storage section, to the disk-shaped medium, *first evaluates the status of an erasure flag and if the erasure flag is not indicative of an erased state, sets the flag within the file management to the erased state without erasing the file management information on said storage section*, such that the digital audio data cannot be retrieved by any processing operation other than said write operation." (emphasis added).

Davy and Shitara, also, fail to teach or suggest a control section with the erasure flag features emphasized above.

Response to Arguments

6. Applicant's arguments with respect to claims 1-2 have been considered but are moot in view of the new ground(s) of rejection. Claims 1-2 are rejected under 35 USC 103 as shown above.

7. Applicant's arguments, see p. 10, filed 10/6/06, with respect to claim 3 has been fully considered and is persuasive. The rejection of claim 3 has been withdrawn, and is indicated as allowable subject matter as above.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel R. Sellers whose telephone number is 571-272-7528. The examiner can normally be reached on Monday to Friday, 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DRS

SINH TRAN
SUPERVISORY PATENT EXAMINER